

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

In re:	§	
	§	Chapter 7
	§	Case No. 24-30167
Pro-Mark Services, Inc.,	§	
	§	
Debtor.	§	
<hr style="width: 50%; margin-left: 0;"/>		
ERIK A. AHLGREN, as Chapter 7 trustee of Bankruptcy Estate of Pro- Mark Services, Inc., as Administrator of the Pro-Mark Services, Inc. Employee Stock Ownership Plan, and as Trustee of the Pro-Mark Services, Inc. Employee Stock Ownership Trust,	§	Adv. No. 24-07014
	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
CONNIE BERG, KYLE BERG, CONNIE BERG REVOCABLE LIVING TRUST, KYLE R. BERG REVOCABLE LIVING TRUST, CHAD DUBOIS, MANDY GRANT, and MIGUEL PAREDES,	§	
	§	
Defendants.	§	

**DECLARATION OF CONNIE BERG IN  
SUPPORT OF THE BERG DEFENDANTS' MOTION TO DISMISS**

Pursuant to 28 U.S.C. § 1746, I, Connie Berg, hereby declare under penalty of perjury:<sup>1</sup>

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<sup>1</sup> Capitalized terms used in this Declaration but not otherwise defined shall have the meanings provided in the Berg Defendants' Memorandum in Support of Motion to Dismiss or in the Trustee's Complaint.

**DECLARATION OF CONNIE BERG IN  
SUPPORT OF THE BERG DEFENDANTS' MOTION TO DISMISS**

1. I am familiar with the documents executed as part of the ESOP Transaction, by virtue of my duties and responsibilities as president and director of the Debtor and by virtue of my participation in the ESOP Transaction as seller.

2. Attached as Exhibit 1 is a true and correct copy of the ESOP Trust Agreement.

3. Attached as Exhibit 2 is a true and correct copy of the ESOP Purchase Agreement.

4. Attached as Exhibit 3 is a true and correct copy of the Initial Seller/ESOP Loan Agreement.

5. Attached as Exhibit 4 is a true and correct copy of the ESOP Modification Agreement.

6. Attached as Exhibit 5 is a true and correct copy of the Confidential Information Memorandum prepared for the ESOP Transaction by the Debtor's financial advisor and provided to me as president of the Debtor.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: November 22, 2024

/s/ Connie Berg  
Connie Berg